



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,994	01/24/2001	David Meiri	07072-131001 / EMC 00-190	4182
26161	7590	06/25/2004	EXAMINER NAJJAR, SALEH	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			ART UNIT	PAPER NUMBER

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	<i>S</i>
	09/768,994	MEIRI ET AL.	
	Examiner	Art Unit	
	Saleh Najjar	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 January 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7-10,12-17,22-26 and 28-31 is/are rejected.
- 7) Claim(s) 6,11,18-21,27 and 32 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

1. This action is responsive to the application filed on January 24, 2001. Claims 1-32 are pending.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 7-10, 12-17, 22-26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tugenberg et al., U.S. Patent No. 5,335,281.

Tugenberg teaches the invention substantially as claimed including a passing supervisory control message from a first station to a second station from a plurality of stations (see abstract).

As to claim 1, Tugenberg teaches a method for parsing a message-list accessible to a plurality of processors, said method comprising:

identifying, in said message-list, a message-slot containing a message intended for a recipient processor from said plurality of processors (see figs. 1-4; col. 4, lines 20-25, Tugenberg discloses that a message is parsed to recover data intended for a processor) ;

obtaining, from said identified message-slot, information indicative of a location of a succeeding message-slot in said message-list (see col. 4, Tugenberg discloses that stored update count is compared to the update count field); and

caching, for retrieval during a subsequent scan of said message-list, said information indicative of said location of said succeeding message slot (see col. 4, lines 30-65, Tugenberg discloses that an update count is stored for later comparison to message filed).

Tugenberg fails to teach the limitation of scanning a message list. Tugenberg does teach that the message list is parsed for field information intended for a processor.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tugenberg by specifying the parsing as scanning since the same functionality of extracting and identifying pertinent field information is achieved.

As to claim 2, Tugenberg teaches the method of claim 1, wherein obtaining information indicative of said location of said succeeding message-slot comprises obtaining a next-message pointer from said identified message-slot (see col. 4-5).

As to claim 3, Tugenberg teaches the method of claim 1, wherein caching said information indicative a of said location of said succeeding message-slot comprises storing said information in a memory local to said recipient processor (see col. 4-5).

As to claim 4, Tugenberg teaches the method of claim 1, wherein caching, said information indicative of said location of said succeeding message-slot comprises: determining if a reset condition exists; and caching said information if no reset condition exists (see col. 4-5).

As to claim 5, Tugenberg teaches the method of claim 4, wherein determining whether a reset condition exists comprises determining whether said information indicative of said location of said succeeding message-slot identifies an invalid location (see col. 4, Tugenberg discloses that data extracted from the second field is compared to indicate whether agreement is achieved).

Claims 7-10, 12-17, 22-26, and 28-31 do not teach or define any new limitations above claims 1-5 and therefore are rejected for similar reasons.

5. Claims 6, 11, 18-21, 27, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach neither singly nor in combination the claimed limitation wherein determining whether a reset condition exists comprises

determining whether a number of scans since a previous occurrence of a reset condition exceeds a threshold.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157